

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

FEDERAL TRADE COMMISSION,

Plaintiff,

v.

GOLDEN SUNRISE NUTRACEUTICAL,  
INC., et al.,

Defendants.

No. 1:20-cv-01060-DJC-SKO

ORDER

Plaintiff Federal Trade Commission has represented that Defendant Huu Tieu has pled guilty violations of 21 U.S.C. §§ 331(a) and 333(a)(1) based on the same branding of drugs that are at issue in the present action and has been sentences based on those violations. (See ECF Nos. 122, 123.) Defendants previously requested that the Court set aside a prior order denying Defendants' request to file an untimely opposition to the pending Motion for Summary Judgment. (See ECF No. 117.) Within Defendants' Motion, Defendants represented that they believe there were meritorious defenses to the Motion for Summary Judgment, most notably that "there are material facts that show or will prove that the products promoted by Defendants were, in fact, approved by the FDA." (*Id.* at 4-5.) However, the factual basis for Defendant Tieu's later plea, as provided by Plaintiff<sup>1</sup>, states "the Drugs were not FDA approved, and no

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<sup>1</sup> On brief examination, the Plea Agreement and Judgment in *United States v. Tieu*, No. 1:20-cr-00109-BAM-1, appear to be the same as those provided by Plaintiff in this action. (See ECF No. 122-1; see also ECF No. 123, Ex. A.)

1 Golden Sunrise product had ever been approved by the FDA for any purpose or  
2 received an RMAT designation from the FDA.” (ECF No. 122-1, Ex. A at 2.) Defendant  
3 Tieu signed that factual basis apparently indicating his agreement to it as the basis of  
4 the plea agreement. (*Id.*) Defendants have not filed any response to either of the  
5 Status Reports filed by Plaintiff in which they discuss Defendant Tieu’s plea and  
6 sentencing.

7 In light of Defendant Tieu has apparently pled guilty and been sentenced along  
8 with what appears to be an admission by Defendant Tieu in the factual basis of that  
9 plea that the products in question were not approved by the FDA, the Court orders  
10 Defendants to notify the Court if they still believe they believe that they still have  
11 meritorious defenses to Plaintiff’s claims that could be raised in an opposition to  
12 pending Motion for Summary Judgment. This order should not be construed as the  
13 Court taking any position as to whether Defendants in fact have meritorious defenses  
14 or whether Defendant Tieu’s plea in fact has any bearing on this action. However, in  
15 light of the representations of Plaintiff’s Counsel, the Court wishes to affirm whether  
16 Defendants’ still represent that they have meritorious defenses to the Motion for  
17 Summary Judgment that could be raised in an opposition.

18 Accordingly, IT IS HEREBY ORDERED that within fourteen (14) days of this  
19 order, Defendants shall notify the Court as to whether they believe they can present  
20 meritorious defenses if given the opportunity to file an opposition to the pending of  
21 Motion for Summary Judgment. Failure to respond to this Order may result in the  
22 Court granting the Motion for Summary Judgment.

23  
24 IT IS SO ORDERED.

25 Dated: **March 28, 2025**

  
Hon. Daniel J. Calabretta  
UNITED STATES DISTRICT JUDGE